IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12920 of 2006

DATED: 22.11.2006

Between:

Dr K.Venkata Ramana petitioner

And

The Officer ON Special Duty/Registrar (IC),
Sri Venkateswara Veterinary University,
Administrative Buildings, Regional Library,
College of Veterinary Science Campus, Tirupathi Respondent

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P. No. 12920 of 2006

ORDER:

Assailing the proceedings dated 15.6.2005 issued by the sole respondent placing the petitioner under suspension, the present writ petition is filed.

Petitioner who is working as Scientist AI (Artificial Insemination) in the respondent University, was suspended by proceedings dated 15.6.2005 on the ground that a medico legal case has been registered against him.

Learned counsel for the petitioner submitted that though more than one year had elapsed from the date the petitioner has been placed under suspension, no action had been taken by the sole respondent to revoke the suspension. He submits that the action of respondent in continuing him under suspension without assigning any reasons, is illegal and arbitrary, and in support of his submission that continuing him under suspension indefinitely without considering the public interest and the impact the case has on the employee, is illegal, he placed reliance on a judgment of a Division Bench of this Court in ***P.Rajender Vs. Union of India***[1].

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

In the present case, the petitioner was suspended on 15.6.2005 on the ground that a criminal case was registered against him for rash and negligence driving and also under Section 498-A of Indian Penal Code.

No doubt, the petitioner has been placed under suspension in public

interest, but apart from public interest, the authority is required to take into consideration relevant facts and attendant circumstances and to what extent the public interest is protected if the employee is under suspension. The petitioner cannot be kept under suspension indefinitely and the respondent authority has to review the matter after lapse of six months period. In the present case, it seems there is no review conducted by the respondent authority.

In **P. Rajender v. Union of India**, a Division Bench of this Court considered similar issue, as is appearing in the present case, and held thus:

> *Suspension pending investigation, inquiry or trial is interim in nature. The aforementioned rule clearly suggests that an order of suspension is not required to be passed only because it will be lawful to do so. An application of mind on the part of the competent authority is sine qua non for passing such order of suspension. Before passing of an order of suspension, therefore, it is expected that the appropriate authority shall not only take into consideration the public interest but shall also take into consideration the relevant facts and attendant circumstances as to how far and to what extent the public interest may suffer if the delinquent officer is not placed under suspension.*

From the above, it is clear that the appropriate authority before passing order of suspension shall not only take into consideration the public interest but shall also take into consideration the relevant facts and attendant circumstances as to how far and to what extent the public interest suffer if the delinquent officer is not placed under suspension.

In view of the above, I deem it appropriate to dispose of the writ petition with the following direction.

The sole respondent is directed to review the case of the petitioner for revocation of suspension, in the light of the observations

of the judgment of the Division of this Court in **P. Rajender v. Union of India** and pass appropriate orders expeditiously, preferably within a period of two months from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

(N.V. RAMANA, J.)

Date : 22.11.2006

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Note: Issue copy in one week.

B/o

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THE HON'BLE MR JUSTICE N.V. RAMANA

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THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 12920 OF 2006

ORAL ORDER:

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[1] 2001 (5) ALD 290 (DB)